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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,541	05/11/2001	Daniel E. Tedesco	98-030-C1	8499

22927 7590 09/27/2002

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EXAMINER

ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/853,541

Applicant(s)

TEDESCO ET AL.

Examiner

Nicholas D. Rosen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 70-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 70-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other:  |

Claims 70-89 have been examined.

### ***Specification***

The disclosure is objected to because of the following informalities: On page 1, the reference to parent application 09/106,888 should be amended to state that that application is now U.S. Patent 6,282,523.

Appropriate correction is required.

### ***Claim Objections***

Claims 73 and 74 are objected to because of the following informalities: There should be a period at the end of claim 73. Appropriate correction is required.

Claims 84-89 are objected to because of the following informalities: There should be a semicolon, instead of a comma, after "an amount of funds" in the sixth line of claim 84. Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

#### **Claims 70-78**

Claims 70-72 and 75-76 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 8 of U.S. Patent No. 6,282,523. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 70 merely omits elements of claim 3 of the '523 patent, and modifies the wording, but adds no new limitation not present in claim 3 of the '523 patent. Claim 71 and 72 add only limitations recited in claim 8 of the '523 patent. Claim 75 is rejected as depending on claim 70. Claim 76 is rejected as depending on claim 70.

Claims 73 and 74 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,282,523. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 73 and 74 merely omit elements of claim 1 of the '523 patent, and modify the wording, but add no new limitation not present in claim 1 of the '523 patent.

Claim 77 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,282,523 in view of Jones et al. (U.S. Patent 5,797,133). Claim 77 depends on claim 70, which is rejected as reciting no limitations not recited by claim 3 of the '523 patent; claim 77 additionally recites that the step of receiving data comprises receiving DTMF signals,

which is not recited by claim 3 of the '523 patent, but it is well known to receive data by receiving DTMF signals, as taught by Jones (Abstract).

Claim 78 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,282,523 in view of Lebda et al. (U.S. Patent 6,385,594). Claim 78 depends on claim 70, which is rejected as reciting no limitations not recited by claim 3 of the '523 patent; claim 78 additionally recites that the step of receiving data comprises receiving at least some of the data via a World Wide Web site, which is not recited by claim 3 of the '523 patent, but it is well known to receive data via a World Wide Web site, as taught by Lebda (Abstract).

#### **Claims 79-83**

Claims 79, 82, and 83 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 5 of U.S. Patent No. 6,282,523. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 79 and 82 recite only the limitations of claim 3 of the '523 patent. The limitation of claim 83 is likewise recited by claim 5 of the '523 patent.

Claim 80 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,282,523 in view of Jones et al. (U.S. Patent 5,797,133). Claim 80 depends on claim 79, which is rejected as reciting no limitations not recited by claim 3 of the '523 patent; claim 80 additionally recites that the step of receiving the code comprises receiving DTMF

signals, which is not recited by claim 3 of the '523 patent, but it is well known to receive data by receiving DTMF signals, as taught by Jones (Abstract).

Claim 81 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,282,523 in view of Lebda et al. (U.S. Patent 6,385,594). Claim 81 depends on claim 79, which is rejected as reciting no limitations not recited by claim 3 of the '523 patent; claim 81 additionally recites that the step of receiving the code comprises receiving the code via a World Wide Web site, which is not recited by claim 3 of the '523 patent, but it is well known to receive data via a World Wide Web site, as taught by Lebda (Abstract).

#### **Claims 84-89**

Claim 84, 87, and 88 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 18 of U.S. Patent No. 6,282,523. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 84 recites essentially the limitations of claim 1 of the '523 patent. Claim 84 also recites "receiving the code; [and] determining the data based on the code," which are not expressly set forth in claim 1 of the '523 patent, but are recited in claim 18 of the '523 patent. (In any case, one would not ordinarily transmit a code without the intention that someone would receive it, or generate a code by encrypting data without the intention that someone would determine the data based on the code.) Claim 87 recites that generating the code comprises encrypting at least some of the data, which claim 1 of the '523 patent also recites. Claim 88 is rejected on essentially the same grounds as claim 84; it is held that

transmitting and receiving a code imply a first device to which the code is transmitted, and a second device from which the code is received.

Claim 85 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 18 of U.S. Patent No. 6,282,523 in view of Jones et al. (U.S. Patent 5,797,133). Claim 85 depends on claim 84, which is rejected as reciting no limitations not recited by claims 1 and 18 of the '523 patent; claim 85 additionally recites that the step of receiving the code comprises receiving DTMF signals, which is not recited by claims 1 and 18 of the '523 patent, but it is well known to receive data by receiving DTMF signals, as taught by Jones (Abstract).

Claim 86 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 18 of U.S. Patent No. 6,282,523 in view of Lebda et al. (U.S. Patent 6,385,594). Claim 86 depends on claim 84, which is rejected as reciting no limitations not recited by claims 1 and 18 of the '523 patent; claim 86 additionally recites that the step of receiving the code comprises receiving the code via a World Wide Web site, which is not recited by claims 1 and 18 of the '523 patent, but it is well known to receive data via a World Wide Web site, as taught by Lebda (Abstract).

Claim 89 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 18 of U.S. Patent No. 6,282,523 in view of Kitchen et al. (U.S. Patent 6,289,322). Claim 89 depends on claim 84, which is rejected as reciting no limitations not recited by claims 1 and 18 of the '523 patent; claim 89 additionally recites that transmitting the message comprises

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transmitting an audio message, which is not recited by claims 1 and 18 of the '523 patent, but it is well known to transmit audio messages, as taught by Kitchen (column 7, lines 18-36).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 79 and 82 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldenberg (U.S. Patent 6,036,344). As per claim 79, Goldenberg discloses a method, comprising: receiving a code (Abstract; column 3, line 61, through column 4, line 31); and determining from the code an amount of funds reserved for payment with a predetermined check (Abstract; column 4, lines 50-58). (The second step is inherent, since it would not be possible to determine whether there were sufficient funds in the



account to be drawn against without determining from the code the amount of funds for which the check had been written.)

As per claim 82, Goldenberg discloses transmitting a message including the amount of funds (Abstract; column 3, line 1, through column 4, line 31; column 4, lines 50-58). Again, it is inherent that the message includes the amount of funds, since without the amount of funds, it would be impossible to determine whether there were sufficient funds in the account to be drawn against.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 70-78**

Claims 70, 71, 72, 76, 77, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344). As per claim 70, Goldenberg discloses a method, comprising: receiving data (Abstract) that includes an identifier of a financial account (Abstract; column 3, lines 31-47), an identifier of a check drawn on the checking account (implied by column 5, lines 30-33, official notice being taken that the information currently used to route checks through the banking system normally includes a check identifier), and an amount of funds (inherent from Abstract and column 4, lines 50-58, since it would not be possible to determine whether there were sufficient funds in the account to be drawn against unless the check data included the amount of funds for which the check had been written). Goldenberg further discloses preventing the account holder from removing the amount of funds from the financial account except for payment with the check (Abstract). It would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention for the data to include an identifier of a checking account, for the obvious advantage of applying Goldenberg's invention to standard checks, whose routing information includes check identifiers.

As per claim 71, Goldenberg discloses that the received data further includes an indication of a bank maintaining the financial account (column 3, lines 20-46; column 5, lines 12-55).

As per claim 72, Goldenberg does not disclose that the received data includes an indication of at least one of an expiration data and a presentment period within which the check should be presented for payment. However, official notice is taken that checks must generally be dated (e.g., the top right of Figure 1 in Goldenberg), and that

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it is well known for checks to have expiration dates (corporate checks often do); thus, the check date and expiration date, or check date and statement that the check is not valid more than a certain number of days, often 90 or 180, from the check date, define a presentment period within which the check should be presented for payment. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the received data further include an indication of at least one of: an expiration date and a presentment date, for the obvious advantage of determining whether a check is being presented at a time at which it is valid.

As per claim 76, Goldenberg discloses adjusting an unavailable balance of the financial account based on the amount of funds (Abstract; column 4, line 50, through column 5, line 11).

As per claim 77, Goldenberg does not expressly disclose that receiving data comprises receiving DTMF signals, but does disclose using the telephone network (column 4, lines 19-24), and official notice is taken that the use of DTMF signals in the telephone network is well known. (See Jones et al., U.S. Patent 5,797,133, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have receiving data comprise receiving DTMF signals, for the obvious advantage of receiving data by a common, well-known technique, for which appropriate apparatus is readily available.

As per claim 78, Goldenberg does not expressly disclose that receiving data comprises receiving at least some of the data via a World Wide Web site, but does disclose using the Internet (column 3, lines 13-19; column 4, lines 19-24), and official

notice is taken that use of World Wide Web sites is well known. (See Lebda et al., U.S. Patent 6,385,594, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive at least some of the data via a World Wide Web site, for the obvious advantage of receiving the data through a common, widely available means, which would have been familiar and accessible to many potential users.

Claims 73, 74, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg as applied to claim 70 above, and further in view of Bezy et al. 5,703,344. As per claim 73, Goldenberg discloses generating a code that can be viewed as indicating the check (column 3, line 6, through column 4, line 2; column 5, lines 12-33); and transmitting the code (column 4, lines 7-31). Arguably, Goldenberg's code could be viewed as not indicating the check in that it is not expressly disclosed as indicating the check serial number, etc., but Bezy does teach indicating the check in that sense (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the code indicate the check, for the stated advantage of avoiding paying on forged or stolen checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

As per claim 74, Goldenberg discloses that the code indicates the amount of funds (Abstract; column 4, lines 50-58; column 5, lines 12-39) by inherency, since it would be impossible for the processing center to determine whether there were

sufficient funds in the account to be drawn against unless the code indicated the amount of funds.

As per claim 75, Goldenberg does not expressly disclose creating a record that is identified by the account identifier and the check identifier, the record storing the amount of funds, but does disclose records identified by at least the account identifier indicating the amount of funds (column 4, line 50, through column 6, line 3). However, Bezy teaches creating a record identified by account identifier and check identifier, the record storing the amount of funds (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to create a record identified by the account identifier and the check identifier, for the stated advantage of avoiding paying on forged or stolen checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

### **Claims 80, 81, and 83**

Claims 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg as applied to claim 79 above. As per claim 80, Goldenberg does not expressly disclose that receiving the code comprises receiving DTMF signals, but does disclose using the telephone network (column 4, lines 19-24), and official notice is taken that the use of DTMF signals in the telephone network is well known. (See Jones et al., U.S. Patent 5,797,133, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have receiving the code comprise receiving DTMF signals, for the obvious

advantage of receiving the code by a common, well-known technique, for which appropriate apparatus is readily available.

As per claim 81, Goldenberg does not expressly disclose that receiving the code comprises receiving the code via a World Wide Web site, but does disclose using the Internet (column 3, lines 13-19; column 4, lines 19-24), and official notice is taken that use of World Wide Web sites is well known. (See Lebda et al., U.S. Patent 6,385,594, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive the code via a World Wide Web site, for the obvious advantage of receiving the code through a common, widely available means, which would have been familiar and accessible to many potential users.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg as applied to claim 79 above, and further in view of Bezy et al. (U.S. Patent 5,703,344). Goldenberg does not expressly disclose storing an indication that the predetermined check has been claimed, but Bezy teaches this (column 5, lines 11-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to store an indication that the predetermined check had been claimed, for the stated advantage of preventing a forger from presenting a forged check with the same serial number.

#### **Claims 84-89**

Claims 84-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent 6,036,344) in view of Bezy et al. (U.S. Patent 5,703,344). As

per claim 84, Goldenberg discloses a method, comprising: receiving data that includes an account identifier that indicates a financial account (column 3, lines 20-36), and an amount of funds (inherent from Abstract and column 4, lines 50-58, since the processing center could not determine whether there were sufficient funds in the account to be drawn against, without being informed of the amount of funds); making the amount of funds unavailable for use in the financial account (Abstract; column 4, lines 50-58); generating a code that indicates the check (column 3, line 6, through column 4, line 2; column 5, lines 12-33); transmitting the code (column 4, lines 7-31); receiving the code (column 4, lines 16-24 and 50-58); determining the data based on the code (column 4, lines 50-58); and transmitting a message that indicates the amount of funds (Abstract; column 4, lines 16-26 and 50-58). Goldenberg does not disclose that the data includes a check identifier that indicates a check drawn on the financial account, but Bezy teaches this (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to have the data include a check identifier that indicates a check drawn on the financial account, for the stated advantage of avoiding paying on stolen or forged checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

Arguably, Goldenberg's method could be viewed as not generating a code that indicates the check in that it is not expressly disclosed as indicating the check serial number, etc., but Bezy does teach indicating the check in that sense (column 5, lines 20-33). Hence, it would have been obvious to one of ordinary skill in the art of finance

at the time of applicant's invention to have the code indicate the check, for the stated advantage of avoiding paying on forged or stolen checks, and for the obvious advantage of being able to match provisional debits against the particular checks which resulted in the provisional debits when the checks are cleared.

As per claim 85, Goldenberg does not expressly disclose that receiving the code comprises receiving DTMF signals, but does disclose using the telephone network (column 4, lines 19-24), and official notice is taken that the use of DTMF signals in the telephone network is well known. (See Jones et al., U.S. Patent 5,797,133, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have receiving the code comprise receiving DTMF signals, for the obvious advantage of receiving the code by a common, well-known technique, for which appropriate apparatus is readily available.

As per claim 86, Goldenberg does not expressly disclose that receiving the code comprises receiving the code via a World Wide Web site, but does disclose using the Internet (column 3, lines 13-19; column 4, lines 19-24), and official notice is taken that use of World Wide Web sites is well known. (See Lebda et al., U.S. Patent 6,385,594, Abstract, for an example.) Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to receive the code via a World Wide Web site, for the obvious advantage of receiving the code through a common, widely available means, which would have been familiar and accessible to many potential users.



As per claim 87, Goldenberg discloses encrypting at least some data (column 3, lines 6-19; column 3, line 30, through column 4, line 2).

As per claim 88, Goldenberg discloses that transmitting the code comprises transmitting the code to a first device (column 4, lines 16-24 and 50-58); and that the step of receiving the code comprises receiving the code from a second device (column 4, lines 16-24).

As per claim 89, Goldenberg discloses transmitting the message by making a telephone call (column 7, line 58, through column 8, lines 2-7), and official notice is taken that making a telephone call generally comprises transmitting an audio message. Hence, it would have been obvious to one of ordinary skill in the art of finance at the time of applicant's invention to transmit an audio message, for the stated advantage of conveying a message where other means for doing so, such as computer-to-computer transmission involving a processing center, were not available.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hills et al. (U.S. Patent 6,164,528) disclose a check writing point of sale system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and for After Final communications. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*Nicholas D. Rosen*  
Nicholas D. Rosen  
September 23, 2002